

CONDOMINIUM PUBLIC REPORT

Prepared &
Issued by:

Developer: GARRET J. VAN HORNE
Address: 73-1735 Hao Street, Kailua-Kona, HI 96740

Project Name(*): OHIA VIEW
Address: 73-1735 Hao Street, Kailua-Kona, HI 96740

Registration No. 4566

Effective date: January 5, 2007

Expiration date: February 5, 2008

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

PRELIMINARY: The developer may not as yet have created a condominium but has filed with
(yellow) the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

_____ **FINAL:** The developer has legally created a condominium and has filed complete
(white) information with the Commission.

[] No prior reports have been issued.
[] This report supersedes all prior public reports.
[] This report must be read together with _____

 X **SUPPLEMENTARY:** This report updates information contained in the:
(pink) [] Preliminary Public Report dated: _____

[X] Final Public Report dated: February 21, 2001
[] Supplementary Public Report dated: _____

And

[] Supersedes all prior public reports
[X] Must be read together with the Final Public Report dated February 21, 2001
[X] This report reactivates the Final
public report(s) which expired on March 21, 2002

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior condominium Specialist at 586-2643 to submit your request

FORM: RECO-30 286/986/189/1190/892/0198/0800/0203/0104

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report

☒ Not Required - disclosures covered in this report.

Summary of Changes from Earlier Public Report

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

The developer has changed his mailing address, telephone number and escrow company. See page 5 for the current information. The encumbrances have changed. See page 14 and Exhibit D for the current information. The pages contained in this Supplemental Public Report replace the pages bearing the same number in the Final Public Report dated February 21, 2001

SPECIAL NOTICE

1. Issuance of an effective date for this Public Report does not constitute an approval of the Project by the Real Estate Commission, or any other governmental agency, nor does it imply that all County codes, ordinances, and subdivision requirements have been complied with..
2. This project does not involve the sale of individual subdivided lots. The land beneath and immediately adjacent to each unit, as shown on the Condominium Map, is designated as a limited common element and that unit and does not represent a legally subdivided lot. The dotted lines on the Condominium Map merely represent the location of the limited common element assigned to each unit
3. Facilities and improvements normally associated with County approved subdivisions, such as fire protection devices, County street lighting, electricity, upgraded water facilities, improved access for owners and emergency traffic, drainage facilities, etc., may not be provided, and services such as County street maintenance and trash collection may not be available for interior roads and driveways

THE PROSPECTIVE PURCHASER IS CAUTIONED TO CAREFULLY REVIEW THE CONDOMINIUM DOCUMENTS REFERENCED IN THIS PUBLIC REPORT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING

I. PERSONS CONNECTED WITH THE PROJECT

Developer: GARRET VAN HORNE Phone: (808) 325-0736
Name* (Home)
73-1735 Hao Street
Home Address
Kailua-Kona, HI 96740

Names of officers and directors of developers who are corporations; general partners of a partnership; partners of a Limited Liability Partnership (LLP); or managers and members of a Limited Liability Company (LLC) (attach separate sheet if necessary):

N/A

Real Estate Broker*: NATHALIE MULLINIX Phone: 808-261-0350
REALTY UNIVERSAL, INC. (Business)
Name
500 Ala Moana Blvd., Suite 400
Business Address
Honolulu, HI 96813

Escrow: TITLE GUARANTY ESCROW & Phone: (808) 329-6666
TITLE SERVICE INC. (Business)
Name
Hualalai Road, Suite C-210
Business Address
Kailua-Kona, HI 96740

General Contractor: None Built by Owner Phone: _____
Name (Business)
Business Address

Condominium Managing Agent*: THE PROJECT WILL BE SELF- Phone: _____
MANAGED BY THE ASSOCIATION (Business)
OF APARTMENT OWNERS
Name
Business Address

Attorney for Developer: COLIN L. LOVE Phone: (808) 329-2460
Name (Business)
Post Office Box 2072
Business Address
Kailua-Kona, HI 96745

* For Entities: Name of corporation, partnership, Limited Liability Partnership (LLP), or Limited Liability Company (LLC)

Fee Owner: GARRET J. VAN HORNE
Name
73-1735 Hao Street
Address
Kailua-Kona, HI 96740

Lessor: N/A
Name
Address

C. **Buildings and Other Improvements:**

1. ☐ New Buildings
☒ Conversion of Existing Building(s)
☐ Both New Building(s) and Conversion

2. Number of Buildings: 2 Floors Per Building 1

☒ Exhibit A contains further explanation.

3. **Principal Construction Materials:**

☐ Concrete ☐ Hollow Tile ☒ Wood

☐ Other _____

4. **Uses Permitted Use by Zoning:**

	No of Apts.	Use Permitted By Zoning
<input type="checkbox"/> Residential	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Commercial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Hotel	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Ohana	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Industrial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Agricultural	_____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Recreational	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Other: <u>Greenhouse</u>	<u>2</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?

☒ Yes ☐ No

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit "C".

☐ as follows:

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☐ described in Exhibit _____.

☒ as follows:

Apartment "A" : Fifty Percent (50%)

Apartment "B" : Fifty Percent (50%)

Each apartment has an equal undivided fractional interest in all of the common elements. The common Interests are equal and not related to or determined by the size of apartments.

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "D" describes the encumbrances against the title contained in the title report dated November 9, 2006, issued by Title Guaranty of Hawaii, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been issued an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime, as amended.
 - C) Bylaws of the Association of Apartment Owners, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other _____

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property Regime law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of laws: www.capitol.hawaii.gov

Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs

Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 4566 filed with the Real Estate Commission on January 26, 2001.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock

☐ WHITE paper stock

☒ PINK paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

GARRET VAN HORNE
Printed Name(s) of Developer

By: 
Duly Authorized Signatory*

12/13/2006
Date

Distribution:

Department of Finance, County of Hawaii
Planning Department, County of Hawaii

**Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.*

EXHIBIT "D"

ENCUMBRANCES AGAINST TITLE

1. For real property taxes due and owing, reference is made to the Director of Finance, County of Hawaii for information.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions contained in Deed dated June 22, 1967, recorded the Bureau of Conveyances of the State of Hawaii in Liber 5914 at Page 78.
4. A 100-foot front yard Building Setback Line along Hao Street as shown on survey map prepared by Rodney M. Kawamura, Land Surveyor, with Hilo Engineering, Inc., dated August 4, 1997.
5. A 60-foot front yard forest reserve easement, as contained in instrument recorded in said Bureau as Document No. 98-111095.
6. A. 30 feet wide forest reserve easement on all remaining sides of property, as shown on survey map prepared by Rodney M. Kawamura, Land Surveyor, with Hilo Engineering, Inc., dated August 4, 1997.
7. The terms and provisions, covenants, easements and reservations as contained in that certain Declaration of Covenants dated June 2, 1998, recorded in said Bureau as Document No. 98-086897.
8. Declaration of Condominium Property Regime for "Ohia View" Condominium Project, dated August 25, 2000, recorded in said Bureau as Document No. 2000-129709; and Condominium Map 3163, and any amendments thereto.
9. By-Laws of the Association of Apartment Owners of Ohia View, dated August 25, 2000, recorded in said Bureau as Document No. 2000-129710.
10. AS TO APARTMENT A ONLY: Mortgage in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for First Magnus Financial Corporation, an Arizona Corporation, dated February 18, 2004, recorded in said Bureau as Document No. 2004-036729, in the original amount of \$195,000.00.
11. Any unrecorded leases and matters arising from or affecting the same.

END OF EXHIBIT D